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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, CJ

Writ Petition No.6438 OF 2005

Petitioner

Mahesh Kumar Mishra S/o Shri Bihari Lal Mishra, aged about 24 years, resident of Village Nevsa, Tahsil Kota, District Bilaspur (C.G.)

Versus

Respondent

Smt. Mamta Mishra, aged about 20 years, wife of Mahesh Kumar Mishra, through Shri Shrawan Kumar Tiwari, resident of Village Parsada, Block Kota, District Bilaspur (C.G.)

Present:

Mr. Shailendra Dubey, learned counsel for the petitioner.

ORAL ORDER

(Passed on 22nd of December 2005)

The order of the Court below awarding interim maintenance at the rate of Rs. 750/- per month to the respondent -wife is questioned in this writ petition. Shorn of unnecessary details, suffice it to note that in the application filed by respondent, she has stated that the petitioner owns agricultural land and earns yearly income of 2 lakhs and odd. The learned Family Judge pointed out that possession of agricultural land owned by the family of the petitioner is not denied. Be that as it may, even an able bodied husband is expected to support the wife unless it is shown that the wife has alternative source of livelihood. The petitioner has utterly failed to show that the respondent has any alternative source of income to support herself. Under the circumstance, It cannot be said that what is awarded by the Family Judge as interim maintenance under Section-24 of the Hindu Marriage Act is arbitrary or unreasonable. The writ petition is, therefore, dismissed. There is no order as to cost.

**Sd/-
Chief Justice**